

## **HOUSING STANDARDS**

### **Chapter 119**

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**[HISTORY: Adopted by the City Council of the City of Dover 12-14-77\*. Sections 119-11A, B and D(2) and (3), 119-12A(3), (5) and (6), 119-12B(3), 119-13B(3)(d), 119-16, 119-17, 119- 33 and 119-34 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

General References

**Building Code - See Ch. 68.**

**Wrecking and demolition of buildings - See Ch. 71.**

**ARTICLE I  
GENERAL PROVISIONS**

**119-1. Title.**

This chapter shall be known as the "Dover Housing Code."

**119-2. Statutory authority.**

This chapter is adopted under the authority of New Hampshire Revised Statutes Annotated, Chapter 48A, Section 2.

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**\*Editor's Note: Provisions of this chapter are derived from Ch. 18 of the former Code, adopted 12-14-77.**

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**119-3. Purpose.**

This chapter is adopted for the purposes set forth in the above-noted New Hampshire Revised Statutes, Chapter 48A, Section 2, specifically in order that any dwelling which exists or may exist within the City of Dover which is unfit for human habitation due to dilapidation, dangerous defects which are likely to result in fire, accidents or other calamities, unhealthful lack of ventilation or sanitary facilities or due to other unhealthy or dilapidated or hazardous conditions may be caused to be repaired, closed, demolished or removed from the City of Dover.

**119-4. More restrictive provisions to apply.**

Wherever the provisions of this chapter differ from those prescribed by any other ordinance or regulation, the more restrictive shall apply.

**119-5. Interpretation.**

In its interpretation and application, the intent of this chapter will be held to be the promotion of the public health, safety and general welfare.

**119-6. Defense of officers and employees.**

No officer or employee of the City of Dover acting for the City of Dover if discharged of his duties with respect to this chapter shall render himself personally liable for any damage that may accrue to any person or property as a result of his acts in the discharge of his duties. The City Solicitor of the City of Dover shall act on behalf of and in defense of any such officer or employee against whom suit is brought as a result of such performance of his duties with respect to this chapter until the final determination of the proceedings.

**119-7. Applicability.**

The terms and requirements of this chapter shall apply to all buildings, structures, trailers, mobile homes, camps or parts thereof used or intended to be used for habitation and shall include in addition to private dwellings, all motels, hotels and rooming houses.

**119-8. Administration.**

- A. This chapter shall be administered as provided for in Chapter 48A of the New Hampshire Revised Statutes Annotated. The Housing Standards Board shall consist of three (3) members, namely the Health Officer, Fire Chief and Planning Director. The terms of these members shall correspond with their respective official tenure.
- B. A Chairman shall be elected from among the members to preside over all meetings. The Board shall meet on the call of the Chairman.
- C. The Board shall maintain a permanent record of all its meetings and hearings, together with copies of all complaints, inspections, notices, orders and correspondence.
- D. The terms of these members shall correspond with their respective official tenure.
- E. The Board shall render an annual report of its activities to the City Council of the City of Dover.

**ARTICLE II  
RESPONSIBILITIES OF OWNERS AND AOCCUPANTS**

**119-9. Responsibilities of owners.**

- A. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining, in a clean and sanitary condition, the shared or public areas of the dwelling and premises thereof.
- B. In premises containing more than four (4) dwelling units, the owner shall supply garbage disposal facilities or garbage disposal containers for all dwelling units.
- C. Wherever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insectproof condition or wherever infestation exists in two (2) or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination shall be the responsibility of the owner.

**119-10. Responsibilities of occupants.**

- A. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling unit and premises thereof which he occupies and controls.

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B. Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by this chapter.

C. Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents in a clean and sanitary manner by placing it in the garbage containers required by this chapter.

D. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises, and every occupant of a dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested.

E. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

### **ARTICLE III MINIMUM STANDARDS**

#### **119-11. Basic equipment and facilities.**

No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, cooking or eating therein which does not comply with the following requirements:

A. Kitchen sink. Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the Housing Standards Board.\*

B. Flush water closet and lavatory basin. Every dwelling unit shall contain a room which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system approved by the Housing Standards Board.\*\*

C. Bathtub or shower. Every dwelling unit shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the Housing Standards Board. [Amended 6-8-83 by Ord. No. 16-83]

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\* Editor's Note: Amended at time of adoption of Code; see  
Ch. 1, General Provisions, Art. I.

\*\*Editor's Note: Amended at time of adoption of Code; see  
Ch. 1, General Provisions, Article I.

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D. Sharing of water closet, lavatory basin, bathtub or shower. The occupants of not more than two (2) dwelling units may share a single lavatory basin and a single bathtub or shower, provided that:

(1) Neither of the two (2) dwelling units contains more than two (2) rooms. For the purposes of this subsection, a kitchenette or an efficiency kitchen with not more than sixty (60) square feet of floor area shall not be counted as a room.

(2) The habitable area of each of such dwelling units shall be in good working condition and properly connected to a water and system approved by the Housing Standards Board\*.

(3) Such water closet, lavatory basin and bathtub or shower shall be in good working condition and properly connected to a water and sewer system approved by the Housing Standards Board.\*\*

E. Hot and cold water. Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of this Article shall be properly connected with both hot- and cold-water lines.

F. Rubbish storage facilities. Every dwelling unit shall be supplied with adequate rubbish storage facilities so designed and located as to preclude unhealthy conditions.

G. Garbage disposal facilities. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers so designed and located as to preclude unhealthy conditions.

H. Water-heating facilities. Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot-water lines required under this Article and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred thirty degrees Fahrenheit (130 F.).

I. Means of egress. Every dwelling unit shall have safe unobstructed means of egress leading to safe and open space at ground level.

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\* Editor's Note: Amended at time of adoption of Code; see  
Ch. 1, General Provisions, Article I.

\*\* Editor's Note: Amended at time of adoption of Code; see  
Ch. 1, General Provisions, Article I.

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J. Cooking facilities. No cooking equipment shall be furnished or used which is not so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition, and portable cooking equipment employing flame shall be prohibited.

### **119-12. Occupancy standards.**

No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, rooming house, dwelling unit or rooming unit which does not comply with the following minimum standards for ventilation, light and heating:

#### **A. Ventilation.**

(1) Total window area; windows and openable space. Every habitable room shall have at least one (1) window which faces directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten percent (10%) of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light obstruction structures are located less than three (3) feet from the

window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight type window in the top of such room, the total window area of such skylight shall equal at least fifteen percent (15%) of the total floor area of such room.

(2) Glazing and repair of windows. All windows and doors containing glass panes shall be glazed according to accepted practice and kept in good repair and in easily workable condition; broken panes shall be promptly repaired.

(3) Openable window area. Every habitable room shall have at least one (1) window or skylight which can be easily opened or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall equal at least forty-five percent (45%) of the minimum window size as required by this chapter, except where there is supplied some other device affording adequate ventilation and approved by the Housing Standards Board.\*

(4) Glass-fronted porch. For the purpose of this section, where a living room faces onto a glass-fronted porch, the porch shall be considered as a part of the living room if the total window and open space area between the porch and the living room is at least fifteen percent (15%) of the floor area of the living room.

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\* Editor's Note: Amended at time of adoption of Code; see  
Ch. 1, General Provisions, Art. I.



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(5) Bathroom. Every bathroom and water closet compartment shall comply with the window area and openable area requirements for habitable rooms, except where there is supplied some other device approved by the Housing Standards Board or as affording adequate ventilation.\*

(6) Laundry rooms. Every laundry room shall have a minimum openable area of at least three (3) square feet except where there is supplied some other device approved by the Housing Standards Board as affording adequate ventilation.\*\*

(7) Public halls and stairways. Each public hall and stairway in every two-family dwelling, multifamily dwelling and rooming house shall be adequately ventilated.

B. Light. Every dwelling within three hundred (300) feet of a power line shall be supplied with electricity as follows:

(1) Habitable room. Every habitable room, other than rooms used for sleeping purposes, shall contain at least two (2) separate floor or wall-type electric convenience outlets or one (1) such convenience outlet and one (1) supplied ceiling-type electric light fixture. Rooms used for sleeping purposes shall contain at least one (1) such convenience outlet or one (1) ceiling-type electric light fixture.

(2) Public halls. Every public hall in a dwelling unit shall contain at least one (1) supplied ceiling- or wall-type electric light fixture. Every public hall and stairway in every two-family dwelling, multifamily dwelling and rooming house shall be adequately lighted by an adequate lighting system, which may be turned on when needed by conveniently located light switches.

(3) Standards for installation. Every outlet and fixture shall be properly installed and maintained in good and safe working condition. All new electrical installations shall comply with the requirements of the Electrical Code.\*\*\*

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\* Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

\*\*Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

\*\*\*Editor's Note: See Ch. 102, Electrical Standards.

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C. Heating facilities. Every dwelling and multifamily dwelling shall have heating facilities, and the owner of the heating facilities shall be required to see that they are properly installed, safely maintained and in good working condition and that they are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein to a temperature of at least an average of sixty-five degrees Fahrenheit (65F) with an outside temperature of ten degrees (10) below zero degrees (0). The owners shall maintain a minimum average room temperature of sixty-five degrees (65) in all habitable rooms, including bathrooms and toilet rooms when rented, at all times on the basis on ten degrees (10) below zero degrees (0) outside. The temperatures shall be existent at a level of three (3) feet above the floor level and three (3) or more feet from an exterior wall.

D. Gas heaters. Portable heating equipment employing a flame does not meet the standards of this chapter and is prohibited.

E. Screening. Every opening which might provide an entry for rodents shall be permanently supplied with screens or such other device as will effectively prevent their entrance.

### **119-13. Space, use and location.**

A. Space.

(1) Required space in dwelling units. Every dwelling unit shall contain a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant and one hundred (100) square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms. For purposes of this subsection, a child under the age of two (2) years shall not be counted as an occupant.

(2) Required space in sleeping rooms. In every dwelling unit, every room occupied for sleeping purposes by one (1) occupant shall have a minimum gross floor area of at least seventy (70) square feet. Every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant thereof. For purposes of this subsection, a child under the age of two (2) years shall not be counted as an occupant.

(3) Overcrowding of rooms. If any room in a dwelling is overcrowded, the Building official may order the number of persons sleeping or living in said room to be so reduced that there shall be not less than four hundred (400) cubic feet of air to each adult and two hundred (200) cubic feet of air to each child under twelve (12) years of age occupying such room.

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(4) Eating facilities. No cooking or eating shall be permitted in any sleeping room in any dwelling or dwelling unit, and no cooking facility or appliance shall be permitted in any sleeping room.

### **B. Use and location.**

(1) Minimum ceiling heights. Habitable rooms in existing buildings shall have a clear ceiling height over the minimum area required by this chapter at not less than seven and one-third (7 1/3) feet, except that in attics or top half-stories the ceiling height shall not be less than seven (7) feet over not less than one-third (1/3) of the minimum area required by this chapter when used for sleeping, study or similar activity. In calculating the floor area of such rooms, only those portions of the floor area of the room having a clear ceiling height of five (5) feet or more may be included.

(2) Cellars. No cellar space shall be used as a habitable room.

(3) Basements. No basement space shall be used as a habitable room unless:

(a) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.

(b) Total window area in each room meets the minimum requirements of this chapter.

(c) Such required minimum window area shall open readily for purposes of ventilation directly to the outside air.

(d) Total openable window area in each room conforms to the requirements of this chapter, except where there is supplied some other device affording adequate ventilation and approved by the Housing Standards Board.\*

### **119-14. Structural condition and maintenance.**

Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight, watertight and rodentproof, shall be capable of affording privacy and shall be kept in good repair.

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\*Editor's Note: Amended at time of adoption of Code; see  
Ch. 1, General Provisions, Art. I.

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### **119-15. Windows, exterior doors and basement hatchways.**

Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight, rodentproof, and shall be kept in sound working condition and good repair.

## **ARTICLE IV INSPECTIONS**

### **119-16. Inspection by Housing Standards Board.\***

The Housing Standards Board is hereby authorized and directed to make inspections to determine the condition of dwellings, rooming houses, dwelling units, rooming units, and premises located within this City of Dover in order that it may perform its duty of safeguarding the health, safety and general welfare of the occupants of dwellings and of the general public. The position of Housing Standards Board shall be according to the City of Dover's Administrative Code.

### **119-17. Right of access for Housing Standards Board.\*\***

In order to carry out the purpose and provisions of this chapter, the Housing Standards Board is hereby authorized to enter, examine and survey at all reasonable times and, in an emergency, at any time all dwellings, rooming houses, dwelling units and premises. The owner or occupant of every dwelling, rooming house, dwelling unit and rooming unit or the person in charge thereof shall give the Housing Standards Board free access to such dwelling, rooming house, dwelling unit or rooming unit and its premises, at all reasonable times and in an emergency, for the purpose of such inspection, examination and survey. The Housing Standards Board shall display proper and satisfactory identification prior to any demand for entry. Upon refusal of a property owner and/or tenant to allow inspection of his property, the Housing Standards Board shall seek a search warrant from proper authorities if an inspection of said property is required to carry out the provisions of this chapter.

### **119-18. Right of access for repair.**

Every occupant of a dwelling, rooming house, dwelling unit or rooming unit shall give the owner or operator thereof or his agent or employee access to any part of such dwelling, rooming house, dwelling unit or rooming unit or its premises, at all reasonable times, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful notice or order issued pursuant to the provisions of this chapter.

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\*Editor's Note: Amended at time of adoption of Code; see  
Ch. 1, General Provisions, Art. I.

\*\*Editor's Note: Amended at time of adoption of Code; see  
Ch. 1, General Provisions, Art. I.

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**ARTICLE V  
UNFIT DWELLINGS**

**119-19. Defects and substandard conditions.**

Any dwelling which has any or all of the following defects or substandard conditions shall be deemed unfit for human habitation:

A. Dilapidated, decayed, unsafe or unsanitary. Any dwelling which has become or is so dilapidated, decayed, unsafe, unsanitary or which utterly fails to provide the amenities essential to decent living or which is likely to cause sickness or disease so as to work injury to the health, morals, safety or general welfare of those living therein shall be deemed unfit for human habitation.

B. Inadequate light, air and sanitation. Any dwelling having light, air and sanitation facilities which are inadequate to protect the health, morals or safety or general welfare of human beings who live or may live therein shall be deemed unfit for human habitation.

C. Inadequate egress. Any dwelling having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication shall be deemed unfit for human habitation.

D. Insecure parts. Any dwelling which has parts thereof which are so attached that they may fall and injure members of the public or property shall be deemed unfit for human habitation.

E. Unsafe, unsanitary or dangerous to public. Any dwelling which because of its condition is unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this city shall be deemed unfit for human habitation.

**119-20. Public nuisance.**

All dwellings deemed unfit for human habitation within the terms of this chapter are hereby declared public nuisances and shall be repaired, vacated and closed, demolished or removed according to the following by the method prescribed in this chapter.

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### **119-21. Orders to repair, close, vacate, demolish or remove.**

The following standards shall be followed in substance by the Housing Standards Board and the City Council in ordering repair, vacation and closing or demolition or removal:

A. Repair. If a dwelling deemed unfit for human habitation can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered repaired.

B. Vacation and closing. If a dwelling deemed unfit for human habitation is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants it shall be ordered to be vacated and closed.

C. Demolition or removal. In all cases where a dwelling cannot be repaired so that it will no longer exist in violation of the terms of this chapter with respect to the health, general welfare and safety of its occupants and the citizens of Dover, it shall be demolished or removed. In all cases where a dwelling unfit for human habitation is a fire hazard existing or erected in violation of the terms of this chapter or any ordinance of the city or statute of the State of New Hampshire, it shall be demolished or removed. For the purposes of this chapter, removal of a dwelling unfit for human habitation shall mean removal from the City of Dover.

D. Dwellings unfit for human habitation; nuisances. All dwellings deemed unfit for human habitation within the terms of Article V of this chapter are hereby declared to be public nuisances, and shall be repaired, vacated and closed, or demolished or removed as hereinafter provided.

## **ARTICLE VI ENFORCEMENT**

### **119-22. Causes of action.**

Whenever a petition is filed with the Housing Standards Board by at least ten (10) residents of the municipality charging that any dwelling is unfit for habitation or whenever it appears to the Housing Standards Board by inspection that any dwelling is unfit for human habitation and when preliminary investigation discloses a basis for such charges, the Housing Standards Board shall take the following action.

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**119-23. Service of notice.**

The Housing Standards Board will issue and cause to be served upon the owner, every mortgagee of record and all parties in interest in such dwelling (including persons in possession) a complaint stating the charges in that respect. If the person to be served resides outside the state, service may be made upon him by registered mail and if there are any unascertained persons having an interest in said dwelling, notice may be given to them by publication in a newspaper having general circulation in the municipality; such publication to be at least ten (10) days before the date set for the hearing.

**119-24. Contents of notice.**

Such complaint shall contain a notice that a hearing will be held before the Housing Standards Board at a place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of such complaint, that the owners, mortgagees and parties in interest shall be given the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Housing Standards Board.

**119-25. Decisions of Board.**

If after such notice and hearing, the Housing Standards Board determines according to the standards of this chapter of the bylaws that the dwelling under consideration is unfit for human habitation, it shall state, in writing, its findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order.

**119-26. Posting of notice.\***

Any structure declared as unfit for human occupancy shall be posted with a placard by the Housing Standards Board. The placard shall include the following:

- A. The name of the city.
- B. The name of the authorized department having jurisdiction.
- C. The chapter and section of the code under which it is issued.
- D. An order that the structure when vacated must remain vacant until the provisions of the order are complied with and the order to vacate is withdrawn.

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\*Editor's Note: Amended at time of adoption of Code; see  
Ch. 1, General Provisions, Art. I.

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E. The date that the placard is posted.

F. A statement of the penalty for defacing or removing the placard.

### **119-27. Basis for Board decisions.**

If the repair, alteration or improvement of said dwelling can be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, then the order shall require the owner, within the time specified in the order, to repair, alter or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation or, if the repair, alteration and improvement of said dwelling cannot be made at a reasonable cost, require the owner, within the time specified in the order, to remove or demolish such dwelling.

## **ARTICLE VII APPEALS**

### **119-28. Appeals to City Council.**

If an owner is aggrieved by an order of the Housing Standards Board made pursuant to the above, he may appeal to the City Council. Said City Council shall hold a public hearing upon said appeal, due notice of said hearing having first been given to the Housing Standards Board and to the owner. The City Council may affirm or revoke the order of the Housing Standards Board or it may modify the same in accordance with its findings. If it shall affirm or modify such order, the Housing Standards Board shall proceed to enforce said order as affirmed or modified, in the manner prescribed. If the City Council shall revoke such order, the proceedings shall be terminated.

### **119-29. Superior Court hearings.**

If the owner fails to comply with an order, made pursuant to the provisions of Article VI hereof to repair, alter, improve or vacate and close the dwelling, the Housing Standards Board may file a petition in the Superior Court in accordance with RSA 48-A, in which it shall set forth the charges issued pursuant to 119-23, as well as any other allegations bearing upon the unfitness of the dwelling for human habitation. The Court shall thereupon direct notice to be given all parties having an interest in said dwelling, including mortgagees and persons in possession thereof. Such notice shall be given, where practicable, by personal service, except that, if the person to be served resides outside the state, service may be made upon him by registered mail; and, if there are any unascertained persons having an interest in said dwelling, notice may be given them by publication of the petition in a newspaper having general circulation in the municipality, such publication to be at least ten (10) days before the date set for the hearing

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The Court shall set a date for hearing such charges and additional allegations, such date to be not later than fifteen (15) days after the filing of said petition. Upon hearing, the matter shall be treated as de novo, and the Court shall hear such pertinent evidence concerning the fitness of the dwelling for human habitation as may be relevant.

### **119-30. Superior Court decisions.**

The Court shall, as soon as practicable, issue its order upon said petition; and, if the court finds the dwelling complained against is unfit for human habitation, such order shall direct the Housing Standards Board to repair, alter or improve such dwelling to render it fit for human habitation if such repair, alteration or improvement can be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost or if the repair, alteration or improvement cannot be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost to remove or demolish such dwelling. If the Court shall find in favor of the owner, it shall award to him reasonable costs and expenses, including counsel fees, all as determined by the court, incurred by him in his defense of the action in the Superior Court.

### **119-31. Recovery of public costs.**

Whenever the Housing Standards Board shall incur cost for the repair, alteration, improvement, vacation or closing or for the removal or demolition of a dwelling, pursuant to an order of the Superior Court, the amount of such costs shall be a lien against the real property on which such cost was incurred, and such lien, including as part thereof upon allowance of his costs and necessary attorney's fees, may be foreclosed upon order of the Superior Court made pursuant to a petition for that purpose filed in said Court. Such lien shall be subordinate to mortgages of record made before the institution of proceedings under this chapter. Notice of said lien shall be filed with the registry of deeds for the county in which the real estate is situated; and shall be recorded by him. If the dwelling is demolished by the Housing Standards Board, he shall sell the material of such dwelling and pay the proceeds of such sale to the Superior Court, for distribution to such persons as the Court shall find entitled thereto.

### **119-32. Exceptions.**

Pursuant to the authority specified in RSA 48-A:12, any dwelling, building or structure within a historical district that is established under RSA 31:89-B or within such other classes of dwellings, buildings or structures as the governing body shall deem to have special significance to the public interest and is so expressly defined by ordinance, code or bylaw may be approved by the governing body as a special exception, after public hearing, and the provisions of the Housing Code may be waived in their application to such dwelling, building or structure in whole or in part or otherwise so modified as the City Council may determine.

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### **ARTICLE VIII PENALTIES**

#### **119-33. Violations and penalties.\***

Any person who shall violate any provision of this chapter or any provision of any rule or regulation adopted by the Health Officer pursuant to authority granted by this chapter shall, upon conviction, be punished by a fine not to exceed one hundred dollars (\$100.). Each day's failure to comply with any such provision shall constitute a separate violation.

### **ARTICLE IX WORDS AND PHRASES**

#### **119-34. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**APPROVED** - In accordance with the provisions of this chapter or other pertinent ordinances of this city.

**BASEMENT** - A portion of any dwelling located partly underground, but having less than forty percent (40%) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

**CELLAR** - A portion of any dwelling having sixty percent (60%) or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

**CITY** - The City of Dover.

**DWELLING** - Any building, structure, trailer, mobile home or camp or part thereof used and occupied for human habitation or intended to be so used and includes any appurtenances belonging thereto or usually enjoyed therewith.

**DWELLING UNIT** - A room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

**HABITABLE ROOM** - A room or enclosed floor space used or intended to be used for living, sleeping or eating purposes, excluding bathrooms, water closet compartments, laundries, foyers, pantries, communicating corridors, stairways, closets, basement, recreation rooms and storage spaces.

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\*Editor's Note: Amended at time of adoption of Code; see  
Ch. 1, General Provisions, Art. I.

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**HOUSING STANDARDS BOARD** - That administrative division of the City of Dover charged with the responsibility of enforcing the Housing Code.\*

**OCCUPANT** - Any person, including an owner or operator, living and sleeping in a dwelling unit or rooming unit.

**OPENABLE AREA** - The part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**OPERATOR** - Any person having charge, care, management or control of any dwelling or part of it in which dwelling units or rooming units are let.

**OWNER** - Any person who, along, jointly or severally, with others, holds legal or equitable title to any dwelling, rooming house, dwelling unit or rooming unit.

**PERSON** - Any person, firm, partnership, association, corporation, company or organization of any kind.

**PLUMBING** - Water-heating facilities, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and other similar supplied fixtures, together with all connections to water or sewer lines.

**PREMISES** - A lot, plot or parcel of land, including the buildings and structures thereon.

**ROOMING HOUSE** - Any dwelling or part thereof containing one (1) or more rooming units, in which space is let to three (3) or more persons.

**ROOMING UNIT** - Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

**SUPPLIED** - Installed, furnished or provided by the owner or operator at his expense.

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\*Editor's Note: Amended at time of adoption of Code; see  
Ch. 1, General Provisions, Art. I.